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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,586	04/08/2004	Boris Mayer	30691/DP008	8111
4743 7590 09/20/2007 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER NGUYEN, NAM V	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/820,586

Applicant(s)

MAYER ET AL.

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to applicant's Amendment after non-final rejection which is filed July 6, 2007.

An amendment to the claims 12-13 and 19-20 has been entered and made of record in the application of Mayer for an "electronic device for packet boxes and related operating method" which is filed on April 8, 2004.

Claim 19 is cancelled.

Claims 12-18 and 20 are now pending in the application.

### ***Response to Arguments***

Applicant's arguments with respect to claims 12-18 and 20, filed July 6, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

On page 6, third paragraph, Applicant's arguments with respect to the invention in Gokcebay et al. does not teach or suggest that an essentially simultaneous opening of several parcel compartments is not persuasive.

As defined by claims 12 and 13, Gokcebay et al. disclose a networked digital locker lock system includes a central system processor 45 connects to plurality of lockers/locks in a plurality of locations by a BUS 52. Customers 40 and delivery person from a plurality of delivery

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companies have access codes uniquely to each lockers/locks along with locker number for opening assigned lockers (column 4 lines 10 to 45; see Figure 5). Assignment of the delivery person to one of the delivery companies for delivering packages to the lockers. The delivery person can request four compartments for four different deliveries but simultaneous deliveries, and four available locker compartment doors will open. The delivery person inserts a scanner to the socket 15 (shown in FIG. 1) which also identifies the delivery company. The delivery person scans the package label and a locker compartment identifier to identify which package was delivered to what compartment and this information can be used by the locker system application software to generate e-mail or other communication to the consumer (column 5 lines 3 to 13). Clearly, the networked digital locker lock system includes a function that causes an essentially simultaneous opening of several parcel compartments in order to provide a convenient way of delivery packages for delivery person.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, the phrase “wherein at least one of certain parcel compartments and groups of parcel compartments are accessible only to certain user groups” is confusing and unclear. It is not understood what is meant by such a limitation. As in the claim 12, there is only one

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registered user assigned to one user group (see Claim 12 line 4). How the registered user is accessible to certain user groups?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreno (US# 6,882,269) and in view of Gokcebay et al. (US# 5,212,644).

Referring to claims 12 and 13, Moreno discloses a method and system for securing goods delivered to and retrieved from a secure storage unit (column 2 lines 36 to 52; see Figures 1 and 2), whereby information of registered users of the electronic parcel compartment system (100) is acquired via an input device (114) (column 4 lines 1 to 3; column 6 lines 61 to 66; see Figure 1), the method and system comprising:

Assigning a registered user to user group(s) (i.e. members of customers, carrier or delivery persons);

Register customers have access to a selection of several functions (such as pick-up delivery (604), ship packages or exit) to the secure delivery system (100) depending on the user group (column 19 lines 33 to 38; see Figures 4 and 6B) to which the user belongs;

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Effectuating control of access possibilities, whereby the user is given access to a particular starting menu (see Figure 5A-5B and 6B) of the registered user's user group (i.e. members of customers or carriers), wherein at least one of certain lockers and groups of lockers are accessible only to certain user groups (column 16 lines 44 to column 17 lines 16; column 19 lines 12 to 55; see Figures 5B to 5C and 6B to 6D).

However, Moreno does not disclose expressly "activating a function that causes an essentially simultaneous opening of several parcel compartments". Gokcebay et al, in the same field of endeavor, teach of a system for receiving and delivering articles utilizing automated bank of lockers as shown in Figures 1-3. Customers can place orders through a vendors website {Gokcebay, col. 3, lines 19-51+}. "A delivery person (i.e. registered user) associated with a vendor (i.e. user group) can open the locker by using a special key or keying in a special code, either on a terminal or on a keypad" (i.e. activating a function) {Gokcebay, paragraph bridging cols. 2 and 3; col. 5, lines 4-8+}. "The delivery person can request four compartments for four different deliveries but simultaneous deliveries, and four available locker compartment doors will open" (i.e. an essentially simultaneous opening of several parcel compartments) {Gokcebay, col. 5, lines 4-8+}. Gokcebay suggests that such features is advantageous because it alleviates the difficulties of many two income families receiving packages at home, and alleviates the suffering of delivery companies delivering the packages as they very often have to make several trips to deliver and obtain signature {Gokcebay, col. 1, lines 9- 19+}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include "an essentially simultaneous opening of several parcel compartments" in the system and method for securing goods delivered to and retrieved from secure storage units of Moreno because, as taught

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by Gokcebay, it alleviates the difficulties of many two income families receiving packages at home, and alleviates the suffering of delivery companies delivering the packages as they very often have to make several trips to deliver and obtain signature.

Referring to Claims 14-16, Moreno in view of Gokcebay et al. disclose the parcel compartment system of Claim 13, Moreno discloses wherein the means for assigning the users to user groups makes this assignment on the basis of information transmitted via a data line (column 12 lines 27 to 42; see Figure 4).

Referring to Claim 17, Moreno in view of Gokcebay et al. disclose the parcel compartment system of Claim 13, Moreno discloses the assignment to the user groups is performed by acquiring user identification information and by making a comparison of the user identification information to an entry in a database (108) (column 19 lines 12 to 18; see Figures 1 and 6A).

Referring to Claim 18, Moreno in view of Gokcebay et al. disclose the parcel compartment system of Claim 13, Moreno discloses wherein different access authorizations (i.e. carriers uses ID number and members of customers use login and password) to functions of the electronic parcel compartment system can be selected for different user groups (column 16 lines 59 to column 17 line 16; see Figures 5B; and column 19 line 33 to 55; see Figure 6B).

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Referring to Claim 20, Moreno in view of Gokcebay et al. disclose the parcel compartment system of Claim 13, Moreno discloses wherein the assignment of the parcel compartments to the user groups can be changed (column 17 line 63 to column 18 line 9; column 21 lines 57 to column 22 line 2; see Figures 5H and 7Q).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosenberg et al. (US# 6,418,416) disclose an inventory management system and method.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
September 14, 2007



BRIAN ZIMMERMAN  
PRIMARY EXAMINER